



புதுச்சேரி மாநில அரசிதழ்

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பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 74/Lab./AIL/T/2020,
Puducherry, dated 15th July 2020)

NOTIFICATION

Whereas, the Award in I.D (L).No. 37/2017, dated 26-02-2020 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the Management of M/s. Puducherry Road Transport Corporation (PRTC), Puducherry and Thiru D. Sivagnanam, Lawspet, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL AT
PUDUCHERRY**

Present : Thiru V. PANDIARAJ, B.Sc., LL.M.,
Presiding Officer,

Wednesday, the 26th day of February, 2020.
I.D. (L) No. 37/2017

D. Sivagnanam,
No.76,1 Cross Extension,
Bharathi Nagar,
Karuvadikuppam, Lawspet,
Puducherry. Petitioner

Versus

The General Manager,
M/s. Puducherry Road Transport
Corporation (PRTC),
Ayyanar Koil Street,
Raja Nagar, Puducherry. Respondent

This Industrial dispute coming on 18-02-2020 before me for final hearing in the presence of Thiru Mr. Sugumaran, Counsel for the Petitioner, Thiru. B. Mohandass, Counsel for the respondent, the respondent being called absent and set *ex parte*, up on hearing the petitioner and perusing the case records, this Court passed the following:

AWARD

1. This Industrial Dispute has been referred by the Government as per the G.O. Rt. No. 89/AIL/Lab./T/2017 dated 15-06-2017 of the Labour Department, Puducherry, for adjudicating the following:-

(a) Whether the dispute raised by Thiru D. Sivagnanam, Puducherry, against the management of M/s. Puducherry, Road Transport Corporation (PRTC), Puducherry, over non-employment is justifiable or not? If justified, what relief he is entitled to?

(b) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. The notice for the respondent has been duly served to the respondent, even then this respondent has not appeared before this Court and hence, he was set *ex parte* on 25-01-2018 itself.

3. *Brief of the petition:*

The petitioner was appointed as Conductor on temporary basis on 08-01-1994 and was made permanent on 13-01-2000. This petitioner rendered unblemished service for the past 18 years, till the termination order passed by the respondent management by its colourful exercise. While, this petitioner was on duty, on 04-03-2006, he met with an accident and thereby, affected seriously due to the grievous injuries sustained by him, including fracture in Spinal Cord at L4 and L5. This petitioner got treatment from 05-03-2006 at PIMS, Puducherry. He was granted 72 days disability leave from 05-03-2006 to 15-05-2006. Later on, this petitioner was posted as Cashier from 16-05-2006 and then he was posted as Clerk in the Reservation Centre up to 18-08-2010. The abovesaid postings were given as he suffered severely and he was not able to do regular work as Conductor. On 18-08-2010, he was relieved from the Clerk work in the Reservation Center and he was directed to work as regular Conductor. The respondent corporation has purposely relieved this petitioner from the post of Clerk as this petitioner actively indulged in Trade Union activities such as, demanding wage increase, promotion, *etc.*, The treatment for this petitioner for his injury at his right toe has not yielded good result and it has got aggravated, making him not suitable for his Conductor job. Apart from that he was prone to severe diabetism also. Despite, this petitioner joined his duty as Conductor and worked in the Puducherry to Tirupathi route as directed by the management during the year 2010. Due to severe pain at his

right toe he was not able to stand for a long time and the injury in the right toe has aggravated further. As a result, he could not continue the said duty as Conductor and his Doctor also advised him, not to stand for a long time. Therefore, this petitioner sought for an alternative duty from the management, twice, in person with the General Manager. This petitioner was entitled to get alternative duty under section 47 of the "Persons with disabilities (Equal Opportunities, Protection of Rights) Act 1985. He made several requests before the management and by his letter, dated 12-04-2012, but, it ended vain. The management has issued a show cause notice to this petitioner, dated 01-06-2012 and sought for explanation from this petitioner within 10 days. This petitioner replied to the abovesaid memo. *vide* his letter, dated 13-06-2012, stating that due to his injury, he was unable to perform his duty as Conductor and he has sought for suitable alternative service based on his medical certificate till his recovery from the injuries. But, without considering the reply the management had terminated this petitioner unilaterally stating that he was absent from September 2011 to June 2012 by its letter, dated 02-11-2012 without adhering the principles of natural justice. Thereafter, this petitioner submitted his representation on 01-12-2012 and reminder on 26-06-2013. Even then, the respondent has not given any response to those representations. Therefore, this petitioner approached the Conciliation Officer on 01-10-2013 and it also ended in failure, despite, the recommendation made by the Conciliation Officer for reinstatement of this petitioner with back wages and other benefits by observing the genuinity in the claim made by this petitioner and also by pointing out the act of termination without conducting any enquiry.

(ii) The respondent had flouted all the principles of natural justice by neither referring this petitioner to the Medical Board examination to know his medical fitness, nor conducted any enquiry to find out him guilty, but, terminated him from his service arbitrarily. The respondent failed to comply the principles of natural justice in terminating this petitioner. Furthermore, it has violated clause 25 of Standing Order of the Corporation. The management has failed to give any reply to the letter, dated 13-06-2012 given by this petitioner and it has not given any reply or explanation regarding this petitioner's willingness and request of this petitioner regarding alternative job. The petitioner was not yet cured at all. Hence, the order of illegal termination by the management has to be declared as void and he has to be re-instated with full back wages and all other monetary benefits.

4. In the course of enquiry, the petitioner by name Sivagnanam was examined in *ex parte* as PW1 on 14-10-2019 and Ex.P1 to Ex.P17 were marked.

5. *The point for determination is :*

(a) Whether the dispute raised by Thiru D. Sivagnanam, Puducherry, against the management of M/s, Puducherry Road Transport Corporation (PRTC), Puducherry, over non-employment is justifiable or not? If justified, what relief he is entitled to?

(b) To compute the relief if any, awarded in terms of money if, it can be so computed?

6. *On the point:*

Admittedly, this petitioner was an employee and he was terminated from his service by the letter, dated 02-11-2012 issued by the respondent management. Further, the accident occurred on 04-03-2006 was also admitted on both sides and the disability leave granted to this petitioner from 05-03-2006 to 15-05-2006 was also admitted by both parties. Similarly, the placement of this petitioner as Cashier on and from 16-05-2006 and as Clerk till 18-08-2010 was also admitted on both sides. This petitioner was admittedly posted as Cashier and Clerk due to his accidental injury while he was discharging his Conductor duty. It is also not disputed, that he was posted as Clerk and Cashier as a measure of giving lesser nature of duty.

7. The petitioner has pleaded and deposed that he was relieved from the post of Clerk from 18-08-2010 and directed to work as a regular Conductor. He further deposed that in obedience to the order of the management, he worked as a Conductor in Puducherry to Tirupathi route. He deposed that due to pain in the right toe, due to the advice given by the Doctor and due to the aggravated injury in the right toe, he was not able to perform his regular duty as Conductor and seeks alternative work of lesser nature from the management. He deposed that the management has relieved this petitioner and directed him to work as regular Conductor only as a measure to victimize and to take revenge as he was actively indulged in Trade Union activities. But, he has not produced any document to show the *bona fideness* of his actual involvement in the Union activities. Therefore, the bald allegation of this petitioner in this regard is decided as false one.

8. This petitioner has deposed that he has sought for a lesser nature of work from the management by its letter dated 12-04-2012. To substantiate this evidence he has produced the document Ex.P5. It would go to

show that this petitioner is seeking alternative service of lesser nature of work. But, the respondent has not given any reply to the representation made by this petitioner, rather it has given a charge memo dated 01-06-2012 *vide* Ex.P6. The petitioner has deposed that he has given his reply on 13-06-2012 *vide* Ex. P7. On perusal of the Ex.P7 it is found that this petitioner has stated his inability to perform his regular duty as Conductor due to his accidental injury. It is also found that his absence was not willful and it was due to the grievous injuries and due to diabetism. It is further found that Ex.P7 dated 13-06-2012 was also supported by Medical Certificate issued by Dr. Narayanasamy, dated 12-06-2012. The abovesaid reply to the charge memo, dated 01-06-2012 was not at all considered by the respondent management, rather it has passed the termination order on 02-11-2012 *vide* Ex.P8. On perusal of Ex.P8, it is found that the management has not given any comment on its decision over the explanation/reply given by this petitioner on 13-06-2012. In the termination order, dated 02-11-2010 *vide* Ex.P8, the management has not stated, whether it has accepted the explanation given by the petitioner or it has rejected the explanation offered by this petitioner. Furthermore, in Ex.P8, the termination order, it has not stated how this petitioner has violated the clause 25 of Standing Order of the Corporation. Before passing termination order, the 2nd show cause notice must be given to the petitioner by the respondent without failure, but, the respondent management has not given any such 2nd show cause notice before taking the decision of termination of service of this petitioner. Furthermore, on perusal of Ex.P8 it is found that no disciplinary proceedings were conducted by the respondent management. Thus, it is clear that the management has violated the principles of natural justice in terminating this petitioner's service in the Corporation.

9. At this juncture, this Court inclined to go through the citation produced by the petitioner side. The Hon'ble Supreme Court of India in its order, dated 10-02-1999, in the case of Dipti Prakash Banerjee.

Vs.

Satvendra Nath Bose National Centre for Basic Science at Calcutta, held that "where the finding regarding misconducts are arrived at without conducting a regular departmental enquiry, then the termination order will be vitiated". Here, in this case also this petitioner was terminated from the service *vide* order, dated 02-11-2012 without conducting any departmental enquiry proceedings, despite, this petitioner met with accident while he was discharging his duty on 04-03-1996 and he was given with disability leave and also he was given with lesser nature of work earlier till 18-08-2010.

10. Hence, this Court come to the conclusion that the order of the termination is nothing but, a unilateral and colourable exercise as alleged by this petitioner. Hence, this Court declared the said order of termination, dated 02-11-2012 as *null* and *void* and directed the respondent to reinstate this petitioner.

11. Now, the next point for consideration is whether the petitioner is entitled to get back wages with all other monetary benefits. The Labour Court cannot simply order for back wages at the time of ordering reinstatement to the claimant/petitioners. The petitioner has to necessarily prove the fact that he was not gainfully engaged after the termination of service from the corporation. He has to produce the affidavit and evidence in this regard. But, here, in this case, this petitioner has not produced any such affidavit or oral evidence. Therefore, this Court not inclined to order back wages to this petitioner.

12. In the result, the Industrial dispute raised by this petitioner against the respondent over his non-employment is decided as unjustified and the respondent is directed to reinstate this petitioner without full back wages and other monetary benefits. No cost.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 26th day of February, 2020

V. PANDIARAJ,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:-

PW.1 — 14-10-2019 Sivagnanam

List of petitioner's exhibits:-

Ex.P1 — 24-06-2006 Original document of Grant of 57 days Special Disability Leave to the petitioner by the Respondent/Management (05-03-2006 to 30-04-2006).

Ex.P2 — 26-05-2006 Original document of Grant of 15 days Special Disability Leave to the petitioner by the Respondent/Management (01-05-2006 to 15-06-2006).

Ex.P3 — 18-08-2010 Original document of Relieving order of the petitioner from the post of Reservation Counter of Puducherry Bus Stand.

Ex.P4 — 12-02-2009 Original document of Service Placement order of petitioner from Karaikal (PRTC) to Pondicherry (PRTC).

Ex.P5 — 12-04-2012 Original document of representation of the petitioner to the Respondent/Management for seeking leave until the healing from the wound.

Ex.P6 — 01-06-2012 Original document of Memo issued by the Respondent/Management seeking explanation for the absence of the petitioner from duty (from September 2011).

Ex.P7 — 13-06-2012 Copy of the Reply/Explanation given by the petitioner to the memo 01-06-2012.

Ex.P8 — 02-11-2012 Original document of Termination order issued to the petitioner by the Respondent/Management.

Ex.P9 — 01-12-2012 Original document of Representation of the petitioner to the Respondent/Management.

Ex.P10 — 26-06-2013 Original document of reminder letter submitted by the petitioner to the Respondent/Management to his reply, dated 01-12-2012 for seeking recall of duty.

Ex.P11 — 10-10-2013 Original document of the dispute raised by the petitioner before the Conciliation Officer, Puducherry.

Ex.P12 — 04-12-2013 Original document of remarks filed by the Respondent/Management for the representation, dated 10-10-2013 made by the petitioner before Conciliation Officer, Puducherry.

Ex.P13 — 05-02-2014 Original document of Rejoinder statement filed by the petitioner before the Conciliation Officer, Puducherry.

Ex.P14 — 05-03-2014 Copy of the reply given by the Management to the rejoinder statement filed by the petitioner.

Ex.P15 — 10-03-2014 Copy of the proceeding of the Conciliation Officer

Ex.P16 — 12-04-2017 Original document of the Order of the failure report by the Conciliation Officer.

Ex.P17 — 04-11-2016 Copy of the request made by the petitioner to the Conciliation Officer, seeking the Conciliation report.

List of Respondent's Witnesses: Nil

List of Respondent's Exhibits: Nil

V. PANDIARAJ,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 75/AIL/Lab./T/2020,
Puducherry, dated 15th July 2020)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 40/2017, dated 05-03-2020 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. Jayaprakash Narayanan Co-operative Spinning Mill, Neravy, Karaikal and Thiru D. Mariappan, Karaikal, over reinstatement has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL AT
PUDUCHERRY**

Present: Thiru V. PANDIARAJ, B.Sc., LL.M.,
Presiding Officer.

Thursday, the 5th day of March 2020.

I.D. (L) No. 40/2017

D. Mariappan, s/o. Datchnamoorthy,
No. 355, Bharathiyar Road,
Thalatheru Post, Karaikal . . . Petitioner

Versus

The Managing Director,
M/s. Jayaprakash Narayanan
Co-operative Spinning Mill,
Keezhamanai, Meladuthurai,
Neravy, Karaikal. . . Respondent

This industrial dispute coming on this day before me for final hearing in the presence of Thiru Ilangokrishnamoorthy, Counsel for the Petitioner, and Tvl. S. Sankaralingam and P. Djeasilane, Counsels for the respondent, up on hearing, up on perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 100/AIL/Lab./T/2017, dated 28-06-2017 for adjudicating the following:-

(a) Whether the dispute raised by Thiru D. Mariappan, Karaikal, against the management of M/s. Jayaprakash Narayanan Co-operative Spinning Mill, Karaikal, over reinstatement is justified or not? If justified, what relief he is entitled to?

(b) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. *Brief of the claim petition:*

(i) The petitioner was employed as apprentice on 08-01-1997 and thereafter, he was made permanent 08-05-2000. Since, 2009, the respondent/management declared layoff on several occasions and the Mill has not functioned in the following periods 01-04-2011 to 31-08-2011, 08-11-2013 to 22-01-2014, 10-06-2015 to 26-08-2015 and 03-09-2015 to 06-12-2015. The layoff was declared without intimation. The respondent/management failed to give layoff compensation to the workers under section 25(c) of Industrial Disputes Act.

Further, the respondent/management Mill has not disbursed the salary to the workman on stipulated dates under payment of wages Act and it always disbursed the salary belatedly in each and every month by stating one or other reasons and thereby it has caused much hardship to the family members of its employees .

(ii) This petitioner's wife by name Susaimary was admitted as inpatient for delivery from 01-12-2015 to 21-12-2015. She had thyroid disorder also. She underwent caesarian operation also. This petitioner was under necessity to give personal attendant to his wife. Therefore, he was unable to attend the duty on and from 07-12-2015, after the completion of the layoff period declared between 03-09-2015 to 06-12-2015. This petitioner's elder daughter informed the inability of this petitioner to attend duty, to the Supervisor of the respondent/management Mill. It was not considered by the respondent/management Mill. It has issued show cause notice on 29-12-2015 calling explanation for his absence from 07-12-2015 to 21-12-2015. It has not given charge sheet and it has not conducted any enquiry. It has terminated this petitioner on 04-02-2016 and the order was received by the wife of this petitioner. Thereafter, this petitioner approached the respondent/management and explained his inability and the situation, the respondent/management assured that he will be revoked soon after the discussion with the Labour Minister of newly formed Government. Though this petitioner approached the respondent/management continuously, it has advised to wait for some time. The respondent/management failed to keep up its assurance and it has failed to revoke the termination order and therefore, this petitioner approached the Conciliation Officer and raised the industrial dispute in respect of his employment. The respondent/management has given false reply and the conciliation proceedings also ended in failure by its report, dated 30-05-2017 and thereafter, it was referred to this Court by the Government of Puducherry. This petitioner was removed from service in violation of Standing Order and in violation of the provisions of Industrial Disputes Act, without conduct any disciplinary proceedings and hence, this petitioner has to be reinstated with full back wages, continuity of service, other attendant benefits and with damages to the tune of ₹ 2,00,000. Hence, this industrial dispute has to be allowed.

3. *Brief of the counter averment:*

(i) All the averments in the claim statement are denied as false except those are specifically admitted by the respondent in the counter. The respondent

admitted that this petitioner was permanently employed during the year 2012. The petitioner was always a chronic absentee and he was absent for so many days without prior permission right from the joining of the duty in the respondent/management. He was always negligent and indiscipline in his work and the following memos/warnings were issued to him:

Sl. No.	Date	Ref. No.	Details of Misconduct and Action Taken
(1)	(2)	(3)	(4)
1	10-11-1998	—	Unauthorized absence from duty from January-1998 to September-1998.
2	12-11-1998	—	Petitioner's letter to admission about the unauthorized absence.
3	03-05-2001	—	Warning memo for poor quality of work.
4	26-07-2003	—	Memo for misbehavior with Supervisor
5	29-07-2003	—	Explanation of the petitioner.
6	18-08-2003	—	Memo for poor quality of work.
7	21-09-2004	—	Unauthorized absence of 5 days in August-2004.
8	27-02-2014	—	Warning memo for poor quality of work.
9	15-03-2014	1499	Show cause notice, for unauthorized absence for 5 days in February-2014.
10	24-03-2014	1633	Warning memo for sleeping while on duty on 22-03-2014, in III Shift.
11	04-04-2014	78	Unauthorized absence of 9.5 days in March-2014.
12	10-04-2014	158	Warning memo for poor quality of work.
13	21-04-2014	297	Show cause notice for continuous absence for more than 8 days in March-2014.
14	28-04-2014	—	Reply of the petitioner admitting his unauthorized absence and assurance for future good conduct.

(1)	(2)	(3)	(4)
15	28-06-2014	1203	Office order for unauthorized absence of 8 days in March-2014.
16	27-08-2014	1732	Warning memo for poor quality of work.
17	14-10-2010	2148	Warning memo for poor quality of work.
18	06-12-2015	—	Notice about the re-opening of the Mill
19	29-12-2015	596	Show cause notice for continuous absence for more than 8 days from 12-12-2015, sent Registered post with Acknowledgment.
20	31-12-2015	—	Post acknowledgment for having received the show cause notice.
21	04-02-2016	881	Order of removal of name of the petitioner from the muster roll of the Mill.
22	09-02-2016	—	Postal acknowledgment for having received the order of removal.
23	10-08-2016	306	Notice received by the Labour Officer, Karaikal, also a copy of petitioner's complaint dated 28-07-2016.
24	17-08-2016	—	Reply letter to the Labour Officer.
25	30-05-2017	25/ 2016	Failure report of the Labour Officer.

(ii) The allegation of non compliance of section 25 (C) of Industrial Disputes Act is not at all relevant to this case. Further, the allegation of non-payment of salary to the employees in stipulated times was also false. This petitioner was absent in the layoff period also and hence, he was not entitled to receive the layoff salary. Moreover, the respondent/management has already given the layoff compensation to the eligible person as per the law. Further, the allegation of non-payment of layoff compensation is not a matter related with this industrial dispute. This petitioner was not locally available to attend the work during the layoff period but, he was in Puducherry for all along the period of layoff. The respondent/management Mill has promptly informed the date of reopening of the Mill on 07-12-2015 after the layoff

period, by putting the notice in the notice-board on 06-12-2015 and it was the accepted practice followed in all the Mills. Further, the reopening of the Mill was spread over among all the workman in the Mill. If, at all this petitioner is really interested to attend the duty, then he can very well gather the information from the colleagues and he can attend the duty on 07-12-2015, but, he failed to do so. Further, this petitioner received the notice issued by the respondent/management, dated 29-12-2015 through his father on 30-12-2015 and he had not responded to the abovesaid notice, calling his explanation for his absence and therefore, the respondent/management has constrained to remove the name of this petitioner from the muster role by its order, dated 04-02-2016 and it was also informed to this petitioner by registered post with acknowledgment. This petitioner never met the Managing Director of the company as alleged in his petition and no assurance was given by the Managing Director in respect of his re-employment. Before the Conciliation Authority also this petitioner admitted his absence without *bona fide* reasons by his representation letter, dated 28-07-2016. He admitted that he had availed without sending leave application and he further admitted that he has not given any explanation for his absence from 12-12-2015. The Conciliation Officer has issued the failure report, dated 30-05-2017 and it was also filed before this Court. The respondent/management never violated the Standing Order and the provisions under the Industrial Disputes Act. Since, the petitioner himself has admitted his non-filing of leave application and non-giving of explanation, the removal of this petitioner name from the muster role is fair and *bona fide* only. There is no *mala fide* intention in the removal of name of the petitioner in the muster role and no victimization took place as alleged in the petition. This petitioner can blame himself only, for the removal of his name from the muster role, as the respondent/management has followed all the principles of natural justice and the legal provisions. The petitioner is non-entitled for any relief as claimed in the statement and there is no provision for damages in industrial dispute jurisprudence. Hence, this petition has to be dismissed.

4. On perusal of records, it is found that while the case was adjourned for enquiry on 27-02-2020, both parties appeared before this Court and filed the memorandum of settlement stating that the entire dispute was settled out of Court and they represented that the Award may be passed in terms of settlement arrived

between them on 27-02-2020. To that effect they have filed the Joint Memorandum of settlement signed by both parties, dated 27-02-2020.

5. The Joint Memorandum of Settlement, dated 27-02-2020 was perused. The terms of settlement was as follows:

(i) The respondent/management will reinstate the petitioner into the services of the Mill with immediate effect.

(ii) The petitioner/workman will not claim any back wages for the period from the date of termination, till the date of settlement.

(iii) The respondent/management will reinstate the petitioner/workman with continuity service.

(iv) The petitioner/workman will not claim any monetary/service benefit for the period from the date of termination till the date of reinstatement.

(v) The respondent/management shall arrange to relieve the petitioner/workman from, the services of the Mills under the special Voluntary Retirement Scheme, which is in vogue/force in the Mills, without any other conditions if, the petitioner/workman submits application under the scheme. Both parties pray this Court to approve the above proposed settlement and pass order and Award accordingly.

6. Since, the dispute has been amicably settled out of Court between the parties as per the Joined Memorandum of Settlement, the management has endorsed that they have no objection to record the settlement and to close the reference. The petitioner also reported that the dispute is settled out of Court and he had no objection to close the reference as per the terms of settlement. Hence, considering the facts and circumstances of the case and considering the memorandum of settlement, this Court inclined to pass an Award as per the terms of settlement arrived between the parties on 27-02-2020.

7. In the result, the Award is passed in terms of settlement arrived between both parties on 27-02-2020 and as per the Joined Memorandum of settlement, dated 27-02-2020 filed before this Court. No cost.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 5th day of March, 2020.

V. PANDIARAJ,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.